

Clarke County

PLANNING COMMISSION REGULAR MEETING MINUTES 2011 April 1



A regular meeting of the Planning Commission of Clarke County, Virginia, was held at the Town/County Joint Government Center, Berryville, Virginia, on Friday, 2011 April 1.

Chair Ohrstrom called the meeting to order at 9:03 a.m.

ATTENDANCE

George Ohrstrom, II; Chair; Anne Caldwell, Vice Chair; A.R. Dunning, Jr., Scott Kreider, Tom McFillen, Cliff Nelson, Chip Steinmetz, and Bob Wade

ABSENT

Clay Brumback, Bev McKay, and Richard Thuss

STAFF

Charles Johnston, AICP, Planning Director; Jesse Russell, Zoning Administrator, and Debbie Bean, Recording Secretary

APPROVAL OF AGENDA

The Commission voted unanimously to approve the agenda.

Yes: Caldwell (seconded), Kreider, McFillen (moved), Nelson, Ohrstrom, Steinmetz, and Wade

No: No one

Absent: Brumback, Dunning, McKay and Thuss

APPROVAL OF MINUTES

The Commission voted unanimously to approve the briefing meeting minutes of 2011 March 1.

Yes: Caldwell (seconded), Kreider, McFillen, Nelson (moved), Ohrstrom, Steinmetz, and Wade

No: No one

Absent: Brumback, Dunning, McKay and Thuss

Commissioner Dunning entered the meeting.

The Commission voted unanimously to approve the regular meeting minutes of 2011 March 4.

Yes: Caldwell (moved), Dunning, Kreider, McFillen (seconded), Nelson, Ohrstrom, Steinmetz, and Wade

No: No one

Absent: Brumback, McKay and Thuss

MAJOR SUBDIVISION - PUBLIC HEARING

H. Robert Showers, Attorney for Salvation Army (Ron Mislowsky, Engineer, PHR&A Agent) requests approval for a 22-lot subdivision for Tax Map Parcels 13-((A))-13 [6 tracts] and 13-((A))-56 located at 642 Westwood Road, Longmarsh Magisterial District, zoned Agricultural Open-Space-Conservation (AOC). S-08-01

Mr. Russell explained this request. He said that since the last meeting, the county's land use attorney, Robert Mitchell, stated that in his opinion the agreement between the Salvation Army and the Clarke County Educational Foundation is no longer valid and therefore Lot 22 is not a possible school site and

therefore the note shown on the plat should not concern the Planning Commission. He stated that Dan Rom, County consultant geotechnical engineer, has recommended that the proposed roadways on site should have resistivity tests conducted or to have a geotechnical engineer on site during the initial construction stage due to the sinkholes on or near the roadways and other karst features in this area.

Commissioner Caldwell stated that at the last meeting there was a discussion about a karst plan being submitted. She asked Mr. Russell if a formal karst plan would be submitted for this property. Commissioner Dunning stated that the area has some rough land and feels a karst plan should be done. Commissioner Wade agreed that a karst plan needs to be submitted.

Mr. Russell said that there is an approximate half-mile long access easement that connects the property to Route 7. He said that this easement had been used to access the property when there was a farm family residing on the property, but that uses of the easement by residents of the proposed lots would not be appropriate. Commissioner Dunning stated that it would be a far safer subdivision if it had one access point instead of two. He said that VDOT had approved this site several years ago but he feels that VDOT should check it out before construction begins.

After discussion with staff and the Commission, Chair Ohrstrom asked for public comments.

John Farrell, of McCandlish & Lillard, Legal Counsel, representing the Salvation Army, stated that the applicant plans to have a geotechnical person on site during the entire project. He said that the front area of this property is to be available for educational uses per the wishes of Mrs. Casey.

Commissioner Dunning said that the Salvation Army should give the land to Clarke County. He said that this would be an act of kindness by the Salvation Army. He stated that this property would be expensive for any educational facility to acquire, as there are so many problems with the land. He said he would like to see the school use this property for activity fields. Mr. Farrell said that no educational affiliation has approached them for this land.

Mr. Russell said that resistivity testing should be done. Mr. Farrell said he was not eliminating the idea of a resistivity test, but that the applicant will have a geotechnical person on site. Mr. Russell said that he wanted this made clear that this is going to be done. Commissioner Dunning stated that the Planning Commission needs to know if there is a sinkhole on this property before it approves the request.

There being no further public comments, Chair Ohrstrom called for a motion.

The Planning Commission voted unanimously to postpone action and continue the public hearing on this request until the issues involving karst, resistivity and the access easement are resolved.

Yes: Caldwell (moved), Dunning (seconded), Kreider, McFillen, Nelson, Ohrstrom, Steinmetz, and Wade

No: No one

Absent: Brumback, McKay, and Thuss

Chair Ohrstrom asked the subdivision committee to have a meeting to discuss the rearrangement of the road.

TEXT AMENDMENT – PUBLIC HEARING

The Clarke Planning Commission will consider the amendment of the County Zoning Ordinance: Sections 3-A-1-c, 3-A-2-c, 3-A-3-c, Minimum Setback Requirements in the AOC, FOC, and Rural

Residential Zoning Districts so as to increase from 150 to 200 sq ft the size of a structure that would be considered an accessory structure with reduced property line setback requirements. Section 3-E-1-d, Use Regulations in the Flood Plain Overlay District, so as increase the minimum size

for a structure allowed in a 100-year flood plain from 150 to 200 square feet.

Section 3-C-2-h, Supplemental Regulations for Dwellings of less than 600 square of Heated Area, so that the 600 square foot measurement applies to Living Space (defined in the Building Code as: "Space within a dwelling unit utilized for living, sleeping, eat, cooking bathing, washing and sanitation purposes.") instead of Heated Area, which has no technical definition. TA-11-02

Mr. Johnston explained this request. He stated that the International Building Code, which is adopted by the Commonwealth of Virginia for use in all local jurisdictions, has increased the minimum area of a structure not requiring a Building Permit from 150 to 200 square feet. He said that the proposed changes would bring the Zoning Ordinance in line with the Building Code. In addition, he said that the term "Living Space" in the Building Code would better define the measurement of less than 600 sq feet dwellings. After discussion with staff and the Commission, Chair Ohrstrom asked for public comments.

Commissioner Dunning left the meeting.

There being no public comments, Chair Ohrstrom called for a motion.

The Commission voted unanimously to recommend approval of this amendment to the Board of Supervisors.

Yes: Caldwell (moved), Kreider, McFillen, Nelson, Ohrstrom, Steinmetz (seconded) and Wade

No: No one

Absent: Brumback, Dunning, McKay and Thuss

TEXT AMENDMENT – SET PUBLIC HEARING

The Clarke Planning Commission will consider the amendment of the County Zoning Ordinance:

Section 3-E-3-e, Certificates of Appropriateness (in Historic Overlay Districts), so as to require the review of changes to the roof or windows of contributing buildings (in addition to changes that require a Building Permit) to be reviewed by the full Historic Preservation Commission instead of the Commission's Executive Committee. The changes also edit the sections for clarity and to specifically state that the public hearing notice requirements shall follow the requirements for all other public hearings, as described in Zoning Ordinance section 10-E. TA-11-03

Mr. Johnston stated that currently the full Commission reviews applications for Certificates of Appropriateness in historic overlay districts for the erection of any structure or the major alteration (defined as work needing a Building Permit) of a contributing structure. He said that the Commission's Executive Committee reviews work on a non-contributing structure, a minor alteration of a contributing structure, or the erection of a sign. He said that formerly work on roofs and windows required a Building Permit, but that Building Code was amended deleting this requirement. He said the amendment would add work on roofs and windows back to the list of activities that require full Commission review because such work can make a significant change to an historic structure. After discussion with staff and the Commission, Chair Ohrstrom called for a motion.

The Commission voted unanimously to set public hearing on this amendment for the next regular Planning Commission meeting on 2001 May 06.

Yes: Brumback, Caldwell, Kreider, McFillen (seconded), Nelson (moved), Ohrstrom, Steinmetz, and Wade

No: No one

Absent: Dunning, McKay, and Thuss

Board/Committee Reports

Board of Supervisors

– Pete Dunning

Mr. Johnston stated that the County Code Text Amendment regarding stormwater management was approved. He said that the Code of Clarke County regarding septic systems was approved. He stated that the resolution initiating text amendment regarding Labor Camps was tabled indefinitely.

Sanitary Authority

– Pete Dunning

Commissioner Dunning stated that the Authority was trying to work something out on the replacement of the water tower at Browntown, north of Millwood. He said that it is looking to see if there is enough room to put the new tower in beside the old one.

Board of Septic & Well Appeals

– Pete Dunning

No report.

Board of Zoning Appeals

– Anne Caldwell

No report.

Historic Preservation Commission

– Cliff Nelson

Commission Nelson stated that the meeting on March 22nd did not have a quorum and that they are going to have a special meeting on April 12th.

Conservation Easement Authority

– George Ohrstrom, II

Chair Ohrstrom stated that they are currently working on closing a couple of easements and they have some things coming up in the pipe line that are very interesting. Commissioner Dunning stated that he think the Authority is doing a great job.

Staff Reports

Natural Resource Activities

– Alison Teetor

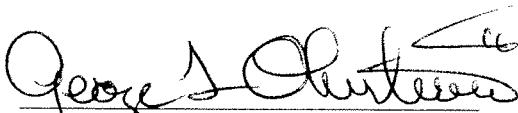
No report.


Enforcement Officer

– Nancy Olin

Ms. Olin's progress reports for 2011 March 1 thru 2011 March 25 were reviewed.

There being no further discussion, the meeting was adjourned at 10:25 a.m. until the next regular meeting of the Commission on 2011 May 6.


George L. Ohrstrom, II, Chair


Charles Johnston, Clerk

Minutes prepared by Debbie Bean, Recording Secretary